

Week Ahead Report (WAR)

AB 5: (Gonzalez D) Worker status: employees and independent contractors.

Would state the intent of the Legislature to codify the decision in the Dynamex case and clarify its application. The bill would provide that the factors of the "ABC" test be applied in order to determine the status of a worker as an employee or independent contractor for all provisions of the Labor Code and the Unemployment Insurance Code, except if a statutory exemption from employment status or from a particular obligation related to employment or where a statutory grant of employment status or a particular right related to employment applies. The bill would exempt specified professions from these provisions and instead provide that the employment relationship test for those professions shall be governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 if certain requirements are met.

Status: 7/11/2019-Read second time and amended. Re-referred to Com. on APPR.

AB 1459: (Arambula D) Qualified grocery employee: certification and apprenticeship.

Would require, by January 1, 2021, the Division of Labor Standards Enforcement to develop a certification program, as provided, for qualified grocery employees, as defined. The bill would require persons desiring to be certified to submit an application for certification and examination to the Division of Labor Standards Enforcement.

Status: 7/8/2019-In committee: Referred to APPR. suspense file.

SB 749: (Senator Maria Elena Durazo) California Public Records Act: trade secrets.

Would provide that records relating to wages, benefits, working hours, and other employment terms and conditions of employees working for a private industry employer pursuant to a contract with a state or local agency are public records and shall not be deemed to be trade secrets under the California Public Records Act if the records are prepared, owned, used, or retained by a state or local agency.

Status: 7/10/2019-July 10 set for first hearing. Placed on APPR. suspense file.

SB 792: (Committee on Labor, Public Employment and Retirement) Employment Training Panel.

Current law establishes the Employment Training Panel within the Employment Development Department and prescribes the functions and duties of the panel with respect to certain employment training programs. Current law relating to the panel references the superseded federal act and refers to the state and local boards by their former names. This bill would update statutory references in provisions relating to the panel to refer to the federal Workforce Innovation and Opportunity Act of 2014, the California Workforce Development Board, and local workforce development boards.

Status: 7/16/2019-Failed Deadline pursuant to Rule 61(a)(11). (Last location was L., P.E. & R. on 6/19/2019)(May be acted upon Jan 2020)